

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
IN THE UNITED STATES DISTRICT COURT **FILED**  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Plaintiff, ) JON W. GENE GRAY 09774  
v. ) CIVIL ACTION NO.  
UNIVERSAL BRIXIUS, LLC, )  
Defendant. )  
\_\_\_\_\_  
C O M P L A I N T

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Jeanne Johnston, who was adversely affected by such practices. Universal Brixius, LLC subjected Johnston to disparate terms and conditions of employment and a hostile environment based on her sex, and terminated her employment because of her sex, female.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the Eastern District of Wisconsin.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Universal Brixius, LLC ("Universal Brixius" or "Employer"), a wholly owned subsidiary of MIC Group, LLC, was a Delaware limited liability corporation doing business in the State of Wisconsin and the City of Milwaukee, and had at least 15 employees.

5. At all relevant times, Defendant Employer was an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jeanne Johnston ("Johnston") filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August, 2007, and continuing until on or about June 27, 2008, Defendant Employer has engaged in unlawful employment practices in violation of Section 701(k) and 703(a) of Title VII, 42 U.S.C. § 2000e(k) and § 2000e-2. Such practices included, but were not limited to

a. Subjecting Johnston to different terms and conditions of employment than her male co-workers, including but not limited to denying her overtime, placing more onerous conditions on her vacation time, and instructing her male co-workers to avoid her because of her sex;

- b. Subjecting Johnston to a hostile work environment because of her sex though use of derogatory epithets for females;
- c. Terminating Johnston because of her sex, female.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Michelle Johnson of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

9. The unlawful employment practices complained of in paragraph 7 were intentional.

14. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Jeanne Johnston.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Universal Brixius, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in discrimination based upon sex.
- B. Order Defendant Universal Brixius to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Universal Brixius to make whole Jeanne Johnston, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement.

D. Order Defendant Universal Brixius to make whole Jeanne Johnston, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant Universal Brixius to make whole Jeanne Johnston by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Universal Brixius to pay Jeanne Johnston punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

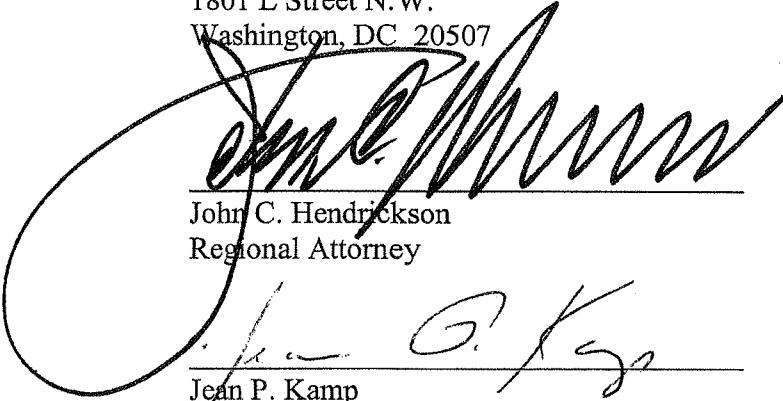
H. Award the Commission its costs of this action.

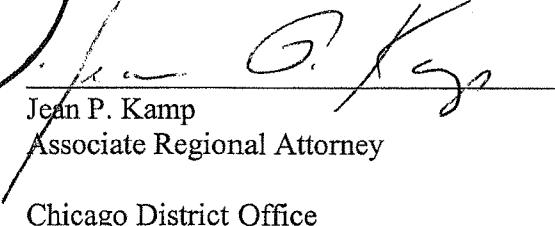
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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